

#9
Election

CULLN18.1CP10



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Manners, et al.)	Group Art Unit 1638
Appl. No.	:	09/882,434)	
Filed	:	June 15, 2001)	
For	:	ANTI-MICROBIAL PROTEIN)	
Examiner	:	Kubelik, A.)	

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RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Dear Sir:

This is in response to the Restriction Requirement mailed from the United States Patent and Trademark Office on July 26, 2002 (Paper No. 7).

REMARKS

I. Response to Restriction Requirement

In response to the above-mentioned Restriction Requirement, Applicants hereby elect Group I, comprising claims 1-2 and 5-15, drawn to a wild-type DNA, a construct comprising that DNA, and host cells, plants and reproductive material transformed with that construct. This election is made with traverse.

Traversal of the Rejection

Applicants submit that claims 1 and 5 and claims 1 and 14 represent linking claims as defined in M.P.E.P. 809.03 (A). Linking claims are defined as claims which represent a genus linking two different sets of claims that can properly be restricted. In the present application, claims 1 and 5 and claims 1 and 14 are linking claims that link the wild-type species of Group I and the mutant species of Group II. Upon allowance of linking claims 1 and 5 and/or 14, M.P.E.P. 809.03 and 809.04 require that the restriction be withdrawn. Accordingly, upon allowance of claims 1 and 5 and/or 14, the restriction requirement should be withdrawn (see form ¶ 8.12 within M.P.E.P. 809.03).